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EXAMINER

WINNER, TONY H

ART UNIT PAPER NUMBER

3611

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,535

Applicant(s)

MALLARD, THOMAS IRVIN

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "9" in figure 6 has been used to designate both the "locking ring" and the "fluid chamber". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Abstract*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "**means**" and "**said**," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," and "**The invention**" etc.

Line 3 of the abstract, the words "as the means" should be deleted.

Line 9 of the abstract, the words "transmission, an invention" should be changed to -- transmission. The apparatus is --

***Specification***

3. The specification is objected to because it contains numerous administrative errors.

For example:

a. Page 13 lines 20-21, the element number "5b" should be placed next to the words "wheel side sealing means",

b. Page 15 line 11, the element number "3" should be placed next to the words "stator",

c. Page 13, third line from the bottom, the element number "4<sub>1</sub>" is used to identify the "outer shell flange" and page 15 line 1 also uses "4<sub>1</sub>" to identify a "bearing"

d. Elements 2a and 2b lack description/support.

e. The element numbers used for identify the components in the prior art must be different from those of the actual invention.

f. Page 8 line 17, the feature of element number 3<sub>c2</sub> is not shown on any drawings.

g. Element 7c of figure 16 is slightly different from figure 5E.

h. Page 4 line19, references to Sharpneck and Burdys lack the US. patent numbers.

i. Page 11 the Brief Description of the Drawings is not in proper format and should be changed as follow:

i1. – Figures **5A-E** present cross-sectional views of the five basic embodiments; --

i2. – Figure 6 is a **detailed** cross-sectional view of the cassette sprocket replacement **of the 1<sup>st</sup>** embodiment; -- . Figures 7-9 and 16 should be changed according to the above format.

Correction is required. See MPEP § 608.01(b).

**Note:** This is merely **exemplary** and is not to be **construed** as a complete listing of the errors.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 are replete with indefinite and administrative errors. A few example follow:

With regard to claim 1 line 3, the recitation "standard bicycle" is indefinite because the examiner does not know what the "standard bicycle" comprising of.

Claim 1 line 3, the recitation "chain drive or other means" is indefinite. What is other means?

Claim 1 line 5, the recitation "the stator; having means to vary" is unclear and confusing. Is a stator having a means to vary drag? If yes, then the semicolon must be removed.

**Note:** This is merely **exemplary** and is not to be **construed** as a complete listing of the errors. An examination of this application reveals that the applicant is unfamiliar with the patent prosecuting procedure and therefore, has drafted claims (propose) with proper format for applicant to follow (attachment A). The proposed claims define over the prior art.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kohler ('401), Murphy ('881), Taylor ('690), Klimek ('433), Fottinger ('050), and Arave ('453) are cited of interest.
6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
**TONY WINNER**  
**PATENT EXAMINER**

May 27, 2004

## Attachment A

1. A hub for a bicycle having a hub body, rim support, and an automatic fluid transmission;

the transmission comprising:

a. a cylindrical outer shell having a sprocket as a rotational power input means for said bicycle and having flanges for sealing, and having bearings slip fit within seats to support said transmission at each end of said cylindrical outer shell;

b. a stator having means for varying drag as input power varies and further having means for regulating or dampening said drag variation;

c. an inner shell having said stator fixed centrally between said flanges of said outer shell and said stator,

d. a sealing means for sealing the area between the stator, outer and inner shell, that once assembled will create a fluid chamber;

e. a fluid filling means for filling the fluid in the fluid chamber, wherein said fluid chamber is filled with appropriate fluid having power transfer ability,

f. said transmission operatively attached to a freewheel body via said hub body.

2. A bicycle hub of claim 1, wherein said freewheel body is integrally formed to said inner shell and attached to said hub body.

3. A bicycle hub of claim 1, wherein said freewheel body is internal to said hub body and acting as outer shell so as to apply power using fluid to transfer power to said hub body.

### Attachment A

4. A bicycle hub of claim 1, wherein the inner shell receives power input from said outer shell.
5. A bicycle hub of claim 1, wherein the drag varying means for varying the drag input is attached to the power input means.